

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

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NORTHERN DYNASTY MINERALS LTD.,	)	Case No. 24-397L
et al.,	)	
	)	Senior Judge Eric G. Bruggink
Plaintiffs,	)	
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
_____	)	

**UNOPPOSED MOTION TO STAY**

In accordance with Rules 1 and 7 of the Rules of the United States Court of Federal Claims ("RCFC"), the United States moves the Court for an order staying this case. In support thereof, it states as follows:

1. Plaintiffs filed their complaint on March 14, 2024. ECF No. 1
2. The United States' response to Plaintiffs' complaint is due today, August 26, 2024. ECF No. 11.
3. In this case, Plaintiffs allege that the EPA's exercise of its authority under Section 404(c) of the Clean Water Act to prohibit and restrict certain discharges of dredged or fill material into waters of the United States has effected a taking of their property.
4. Plaintiffs also have pending in the District Court for the District of Alaska a case challenging EPA's exercise of its Section 404(c) authority under the Administrative Procedure Act. *N. Dynasty Minerals Ltd. v. U.S. Env't Prot. Agency*, No. 3:24-cv-59 (D. Alaska).
5. The outcome of the district court litigation, including a decision on whether the EPA's exercise of its authority was lawful, may affect the scope and extent of the claims in this case.

6. To preserve the parties' and Court's resources considering the ongoing district court litigation, and consistent with Rule 1, the United States respectfully proposes staying this case and all current deadlines, including the United States' deadline to respond to the complaint.<sup>1</sup>

7. To allow the parties to assess the status of the district court litigation and consider whether further litigation is warranted here, the United States proposes that the parties report back to the Court on the district court case and make a recommendation for any further proceedings on or before January 6, 2025.

8. The United States has conferred with counsel for Plaintiffs who informed the United States that Plaintiffs do not oppose pausing this litigation.

Thus, for the reasons above, the United States respectfully requests that the Court stay this case and direct the parties to file a joint status report on or before January 6, 2025.

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<sup>1</sup> In seeking to stay this case, the United States is not waiving any defenses, including but not limited to a lack of jurisdiction based on 28 U.S.C. § 1500.

Respectfully submitted this 26th day of August, 2024,

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